

ZB# 05-24

Sandy Welch

65-1-1.2

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted June 13, 2005

ZBA # **05-24** SANDY WELCH (AREA)
455 MT. AIRY RD. (65-1-1.2)



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

September 20, 2005

**Sandy Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520**

SUBJECT: REQUEST FOR VARIANCE #05-24

Dear Mr. & Mrs. Welch:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 65-1-1.2

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

SANDFORD D. & SANDRA CELLA WELCH
for: C & R ENTERPRISES

AREA

CASE #05-24

WHEREAS, SANDFORD D. WELCH, owner(s) of 455 MT. AIRY ROAD, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 25.3 ft and 11.5 ft. side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road in an R-3 Zone (65-1-1.2)

WHEREAS, a public hearing was held on JUNE 13, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, one person spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties consisting of a newly erected single family home.
 - (b) The applicant had previously obtained variances to permit the construction of the single family home, but, due to a placement error, the home was placed 3 inches closer to the side yard boundary than was permitted by the original variances.

The application is, therefore, made for the totality of the original variance amounts plus the 3 additional inches now necessary.

- (c) Since the granting of the original variances, the Zoning Board of the Town of New Windsor has changed to require a greater side yard requirement.
- (d) The improvement of the lot will not divert the flow of water drainage or create the ponding or collection of water.
- (e) In erecting the single family home the applicant will not remove any substantial vegetation or trees. There was a line of evergreen trees on the property which the applicant did not remove so that they would exist as an attractive buffer between the development of this property and neighboring properties.
- (f) The proposed structure will not be on top of or interfere with any easements including, but not limited to, water, sewer or electric easements.
- (g) The single spectator objected to what he perceived as general over-building in the town and the placement of the proposed structure on this premises arguing that in order to screen from his view totally, the applicant could have removed or trimmed additional vegetation.
- (h) The objectant also complained about what he claimed were violations of the town's noise ordinance and argued, apparently, that the ZBA should deny the application because the applicant has violated the law in the past according to the objectant.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

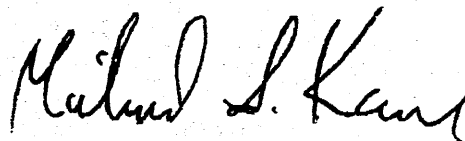
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 25.3 ft and 11.5 ft. side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road in an R-3 Zone (65-1-1.2) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: JUNE 13, 2005



Chairman

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 1/15/04

APPLICANT: Sandra Cella Welch
23 Andrews Street
Cornwall on Hudson, NY 12520

#1 ZBA 2-9-04
SET UP FOR P/H

FILE COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 1/14/04

FOR : George & Helen Pirmik

LOCATED AT: Mt. Airy Road

ZONE: R-3 Sec/Blk/Lot: 65-1-1.2

#2 ZBA 3-22-04
APPROVED

DESCRIPTION OF EXISTING SITE: Vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-12 Use/Bulk Table R-3 Zone

1. Column A-6 Single Family Dwelling without sewer and water. Variances are required for lot area, lot width, required side yard, required side yard/total both yards.

Louis Vynheer
BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-3	USE:		
C-6	MIN LOT AREA: 43,560ft	21,449ft	22,111ft
D-6	MIN LOT WIDTH: 125ft	100ft	25ft
	REQ'D FRONT YD: 45ft	N/A	N/A
F-6	REQ'D SIDE YD: 20ft	15ft/18ft	5ft/2ft
F-6	REQ'D TOTAL SIDE TD: 40ft	33ft	7ft
	REQ'D REAR YD: 50ft	N/A	N/A
	REQ'D FRONTAGE: 70ft	N/A	N/A
	MAX BLDG HT: 35ft	N/A	N/A
	FLOOR AREA RATIO: N/A	N/A	N/A
	MIN LIVABLE AREA: 1,200	N/A	N/A
	DEV COVERAGE: 10	N/A	N/A

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be corrected after correction.

RECEIVED

NOV 23 2004

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

FOR OFFICE USE ONLY
Building Permit #:

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

C & R Enterprises of Washingtonville, LLC Call

Address

458 Hulsetown Rd., Campbell Hall, NY Phone # 845-534-0393

Mailing Address

23 Andrews St., Cornwall on Hudson, NY 12520 Fax # 845-534-3975

Name of Architect

Taconic Design

Address

1 Gardnertown Rd., Newburgh, NY 12550 Phone 845-569-8800

Name of Contractor

Colt Property management, LLC

Address

23 Andrews St. Cornwall on Hudson, NY 12520 Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

845-554-0393
Builder

If applicant is a corporation, signature of duly authorized officer

(Name and title of corporate officer)

1. On what street is property located? On the East 145 mt. Airy Rd.
(N, S, E or W)
and 2000 feet from the intersection of Bethlehem Rd.

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ☒

3. Tax Map Description: Section 65 Block 1 Lot 1.2

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Vacant land b. Intended use and occupancy Single family Residence

5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front 51 Rear 51 Depth 30 Height 2.5 No. of stories 1.5

8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____

Number of bedrooms 3 Baths 2.5 Toilets 3 Heating Plant: Gas _____ Oil ☒
Electric/Hot Air _____ Hot Water ☒ If Garage, number of cars 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$160,000 Fee _____

Used money \$50,000 from PA 2004-0041
Chk # 1348
\$ 625.20
12/1/04

ZONING BOARD

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinance

date

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

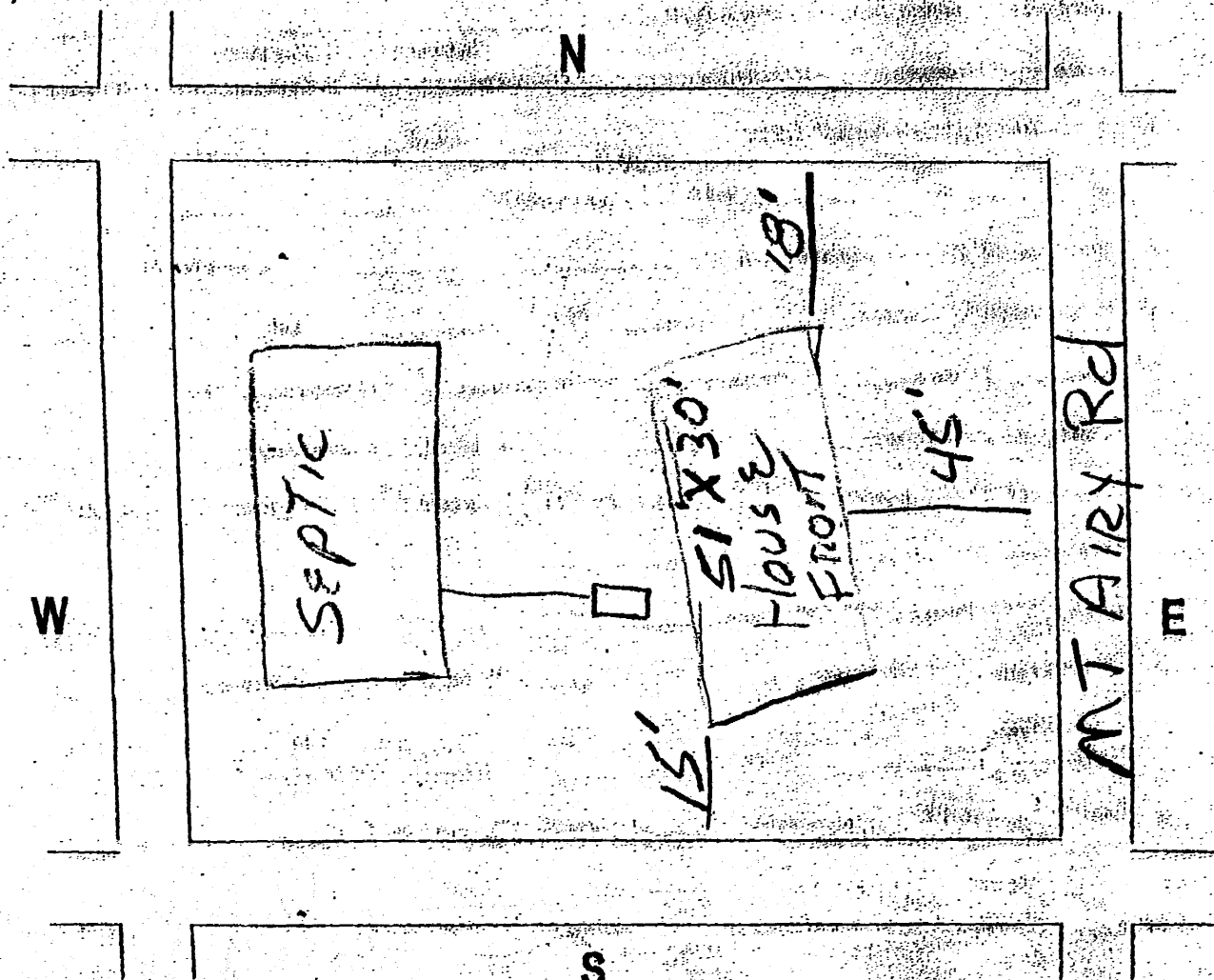
(Owner's Signature)

(Owner's Address)

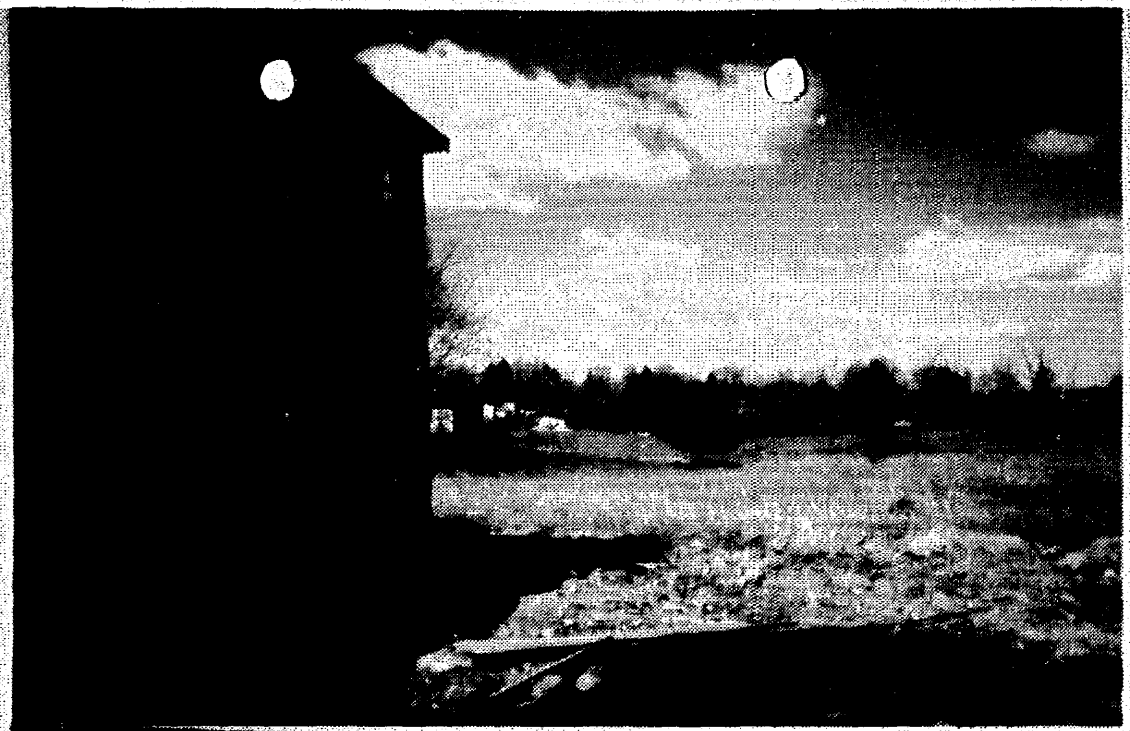
PLOT PLAN

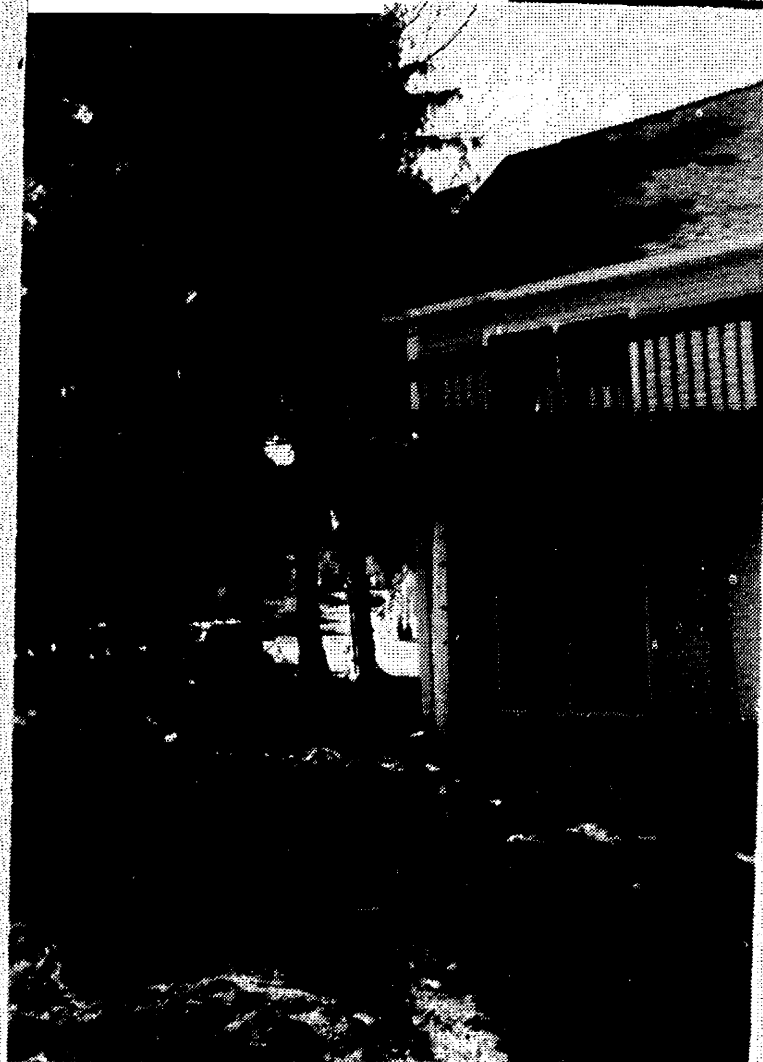
NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



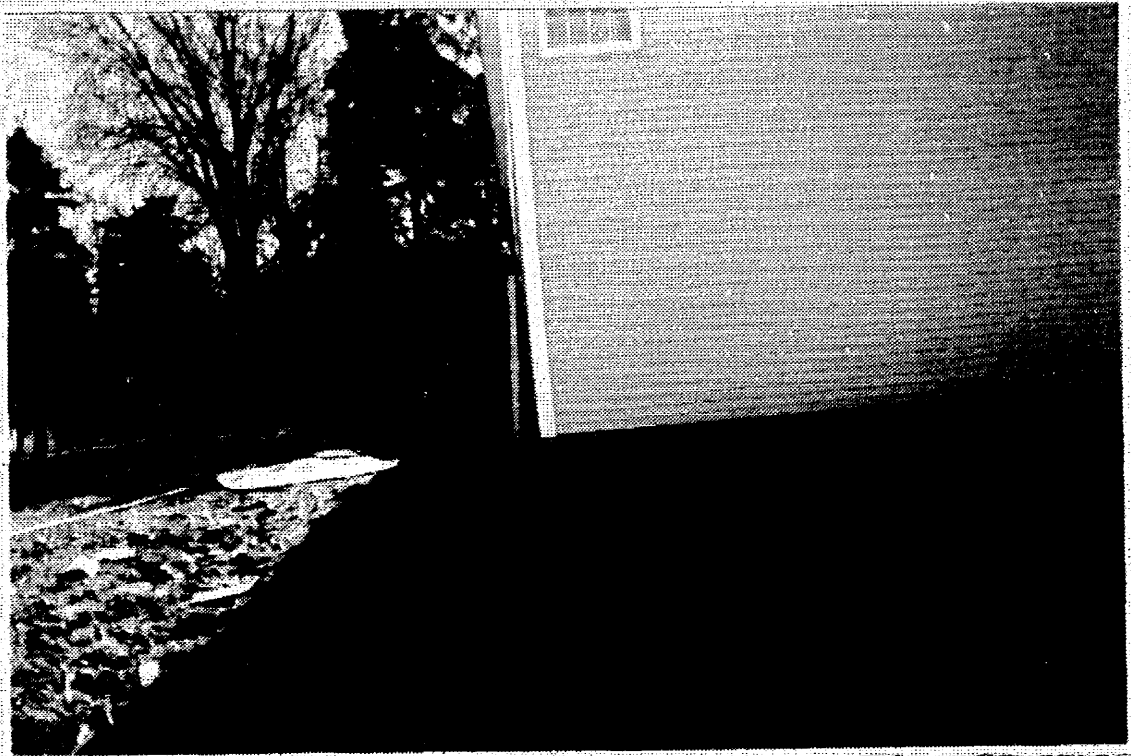
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
 NO DELAY
 YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION





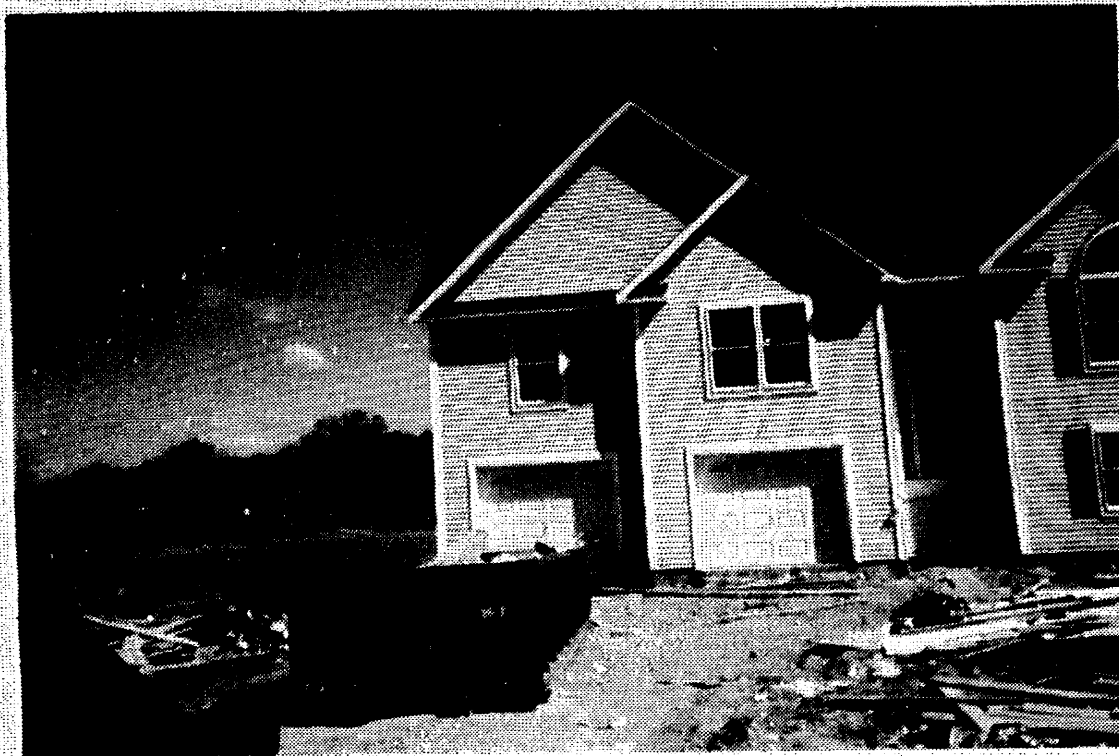
O

O



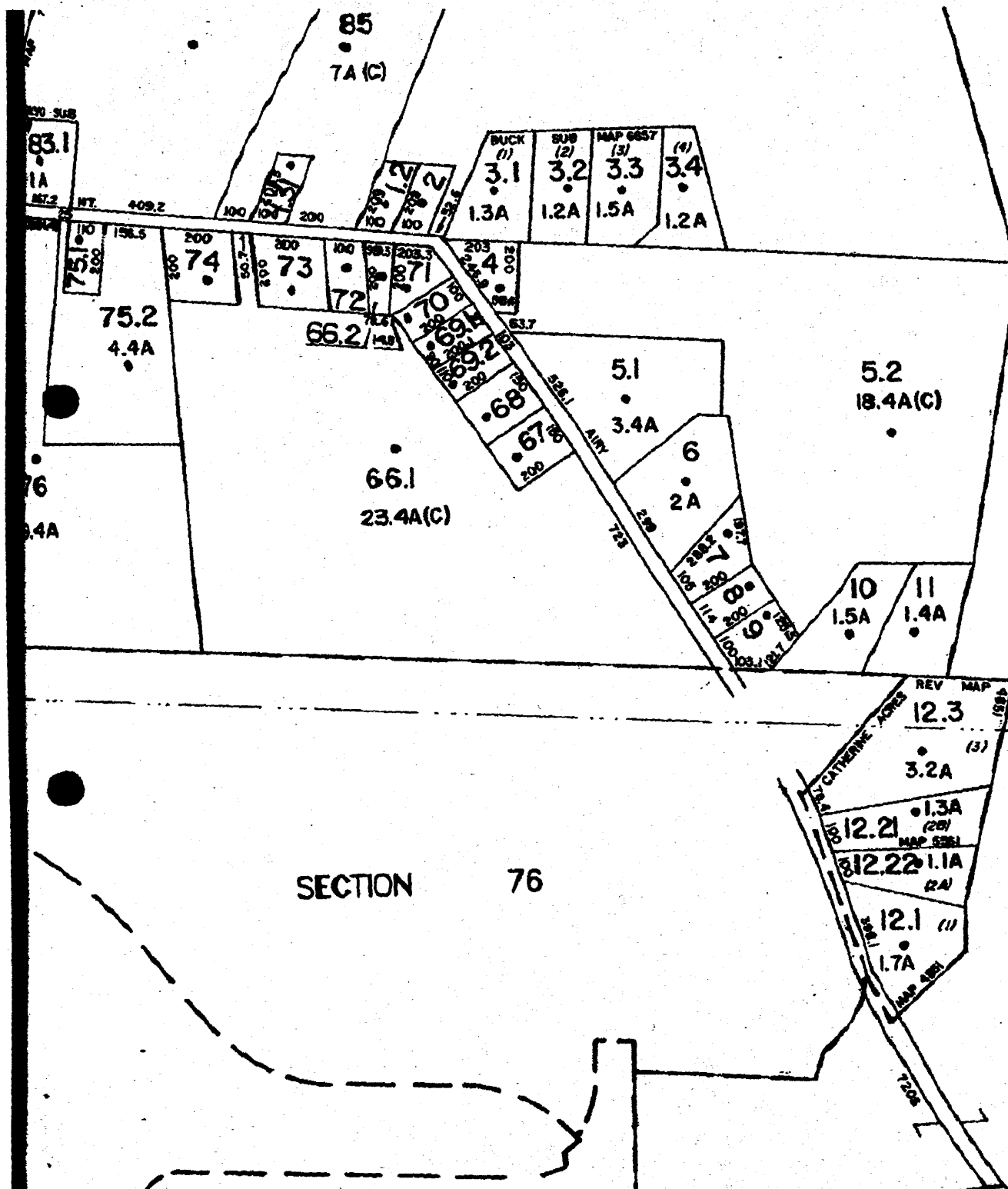






0

0



City of Newburgh

P/o 32-2-53

431.2A

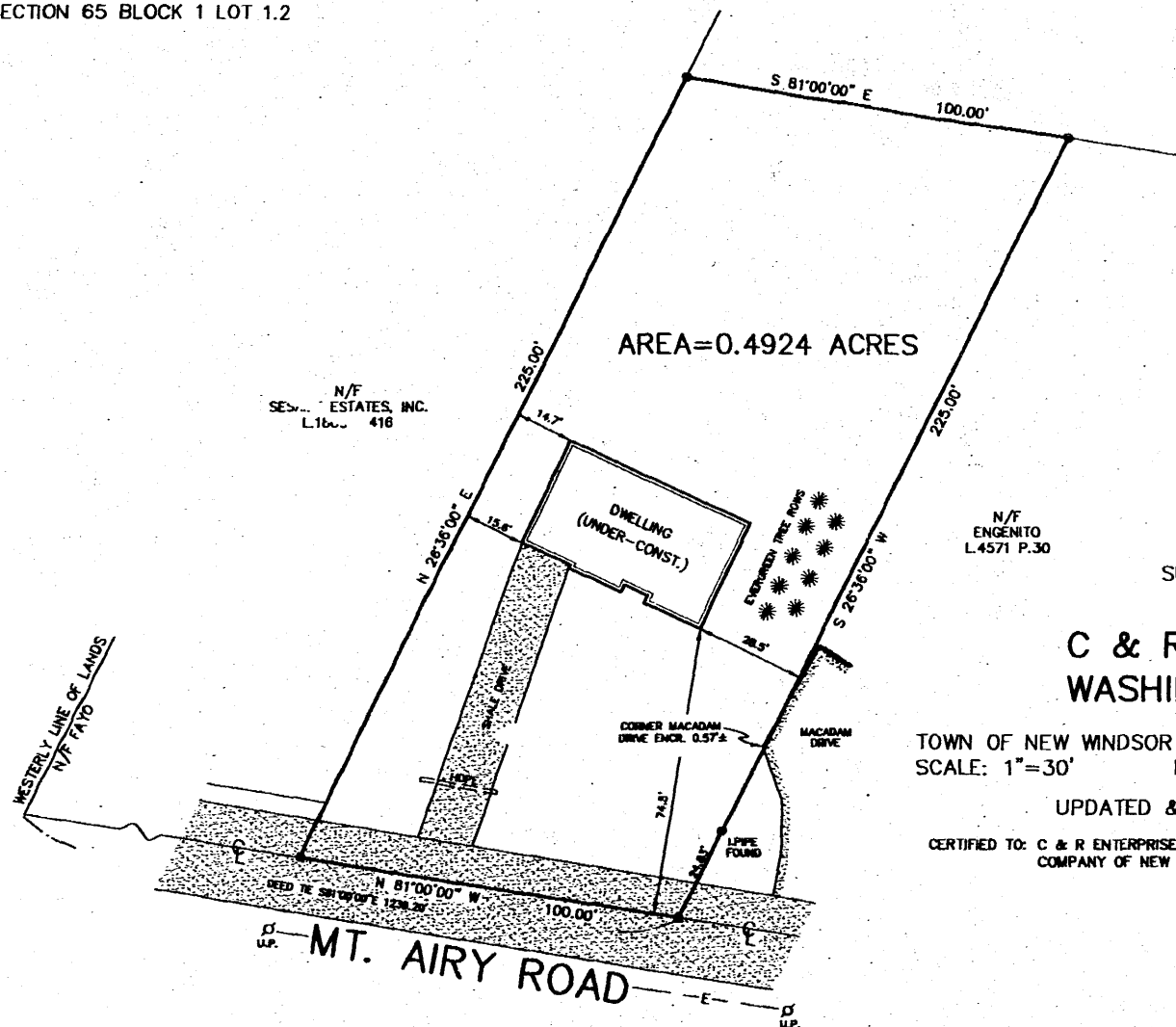
C.H.G. & E. UTILITIES

SECTION 76

SECTION 65 BLOCK 1 LOT 1.2

COPIES OF THIS SURVEY NOT BEARING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID. GUARANTEES OF CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

UNAUTHORIZED ALTERATION OF THIS DOCUMENT, IN ANY WAY, CONSTITUTES A VIOLATION OF THE STATE OF NEW YORK EDUCATION LAW SECTION 7209 (2).



DWLG. UNDER-CONST. LOCATION 3-9-05

OR03-152



N/F
ENGENTO
L.4571 P.30

SURVEY OF PROPERTY
FOR

C & R ENTERPRISES OF
WASHINGTONVILLE, L.L.C.

TOWN OF NEW WINDSOR

SCALE: 1"=30'

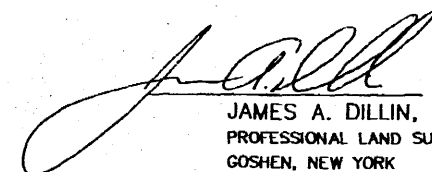
DECEMBER 10, 2003

ORANGE COUNTY N.Y.

AREA=0.4924 ACRES

UPDATED & RECERTIFIED: JUNE 18, 2004

CERTIFIED TO: C & R ENTERPRISES OF WASHINGTONVILLE, L.L.C. AND FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK, TO BE CORRECT AND ACCURATE.


JAMES A. DILLIN, PLS
PROFESSIONAL LAND SURVEYOR
GOSHEN, NEW YORK

LIC.49087



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

June 16, 2004

Sandra Cella Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520

SUBJECT: REQUEST FOR VARIANCE #04-11

Dear Ms. Welch:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 65-1-1.2

In the Matter of the Application of

SANDRA WELCH

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #04-11

WHEREAS, Applicant Sandra Welch, representing George and Helen Pirnik , owner(s) of 65-1-1.2 – Mt. Airy Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an

22,111 ft. Minimum Lot Area and; (C-6)
25 ft. Minimum Lot Width and; (D-6)
5 ft. / 2 ft. Side Yard Setbacks and; (F-6)
7 ft. Total Side Yard Setback (F-6)

For proposed single-family house on Mt. Airy Road in an **R-3 Zone**

WHEREAS, a public hearing was held on March 22, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant, Sandra Welch, along with Robert Enginito, appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties.

- (b) The applicant seeks to build a single-family home on the property.
- (c) The house would be screened from neighboring houses by a tree line buffer.
- (d) If the application is approved, the applicant proposes to build a one-family home which will require the removal of no trees or substantial vegetation.
- (e) The house will be served by municipal water and septic field.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a

22,111 ft. Minimum Lot Area and;	(C-6)
25 ft. Minimum Lot Width and;	(D-6)
5 ft. / 2 ft. Side Yard Setbacks and;	(F-6)
7 ft. Total Side Yard Setback	(F-6)

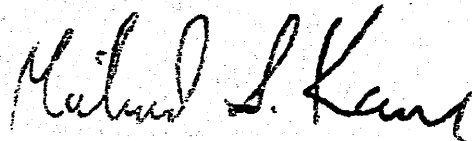
For proposed single-family house on Mt. Airy Road in an **R-3 Zone**

as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 22, 2004



Chairman

PUBLIC HEARINGS:

SANDRA WELCH FOR C & R ENTERPRISES OF WASHINGTONVILLE
LLC (05-24)

Mr. Sandy Welch appeared before the board for this proposal.

MR. KANE: Request for 25.3 ft. and 11.5 ft. side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road. Hi, same as the preliminary, you want to tell us what you're doing? Speak up loud enough for that young lady to hear you.

MR. WELCH: In building the house I tried to keep the house as far to the left as possible to maintain the hemlocks and everything as a divider buffer. In doing so, the house, rear corner, left corner was three inches off of the 15 foot, the front left corner is 15 foot 7, so I'm just off three inches on the back left-hand corner by three inches on the left side and I was trying to keep the pine trees between the new house and the existing house to keep privacy, I guess I'll never do that again.

MR. BABCOCK: Mr. Chairman, maybe I can help this out just a little bit, he was here for a variance for the lot, he got a lot area variance, lot width variance and a side yard variance and when he built the house he's correct if what he said there's some evergreens there that they wanted to save for privacy from neighbors and the house wound up being 14 foot 7 just like he said or 14' 6" I guess it is, no, 14' 7" instead of the 15 feet when we wrote up the new variance, now the new laws are in effect so--

MR. KANE: We've got to change it all.

MR. BABCOCK: So today when he got the first variance the requirements were 20, today they're 40, so that's

what makes the numbers look so bad, the house didn't move.

MR. WELCH: You scared me there for a minute, Mike.

MR. KANE: I was wondering where the difference is.

MR. BABCOCK: So you really need a variance of 25 feet because the rules have changed.

MR. KANE: 25.3 feet.

MR. BABCOCK: When you got first variance the requirements were 20 feet, you want to be 15, you got a five foot variance, today the rules are 40 feet.

MR. WELCH: That's why it looks so bad.

MR. BABCOCK: That's why it looks so bad but the house is only off three inches from what the board he had requested from this board last time.

MR. KANE: From the original?

MR. BABCOCK: Right, you can't even tell in the field, there's no way of even seeing the three inches.

MR. KANE: I would hope not, three inches. So basically all your other variances were approved, when was that done, Mike, do you know?

MR. BABCOCK: March.

MR. KANE: 3/22/04.

MR. BABCOCK: Right, that's the public hearing.

MR. KANE: All right so we'll have to repeat a couple of things that we did. Creating any water hazards or runoffs?

MR. WELCH: No, sir.

MR. KANE: Cut down any substantial vegetation in the building of that home?

MR. WELCH: No, that's why I'm here on the three inches.

MR. KRIEGER: So you didn't cut down the evergreens?

MR. WELCH: No because they were a nice buffer.

MR. KRIEGER: You were able to save them?

MR. WELCH: Right.

MR. KANE: Home isn't going over any easements?

MR. WELCH: No.

MR. KANE: At this point, sir, do you have something to say? Please step up, state your name and your address.

MR. DORING: My name is Don Doring, I live at 466 Mt. Airy Road, which is across from this property. I have never been to this meeting before, just to give you some idea, my father was a constable in this Town back in the '50s and so, you know, I have roots in this Town, my godfather was Harold Sloan, who is the former councilman so I have roots in this Town. But I'm concerned about the overbuilding and so forth. I talked to this gentleman the other day on the phone and I really didn't, I couldn't quite understand when you're talking about three inches if it's 14'7" that's actually five inches short of 15 feet, there's 12 inches in a foot.

MR. BABCOCK: Not in the survey, it's in tenths.

MR. DORING: My mistake, I'm not here to argue about three inches.

MR. BABCOCK: Just so you understand.

MR. DORING: This house sits at such an angle that I can see from my front window the entire east side of the house. Now I don't know exactly why it was built where it was and I understand he wants to save trees, my opinion he could have trimmed some branches, there's branches brushing against the house right now, he could have trimmed a few branches if it's a question of three inches. There's a lot of trees along the road that were cut down in the construction, I think there were, there were trees there.

MR. WELCH: There were a few saplings.

MR. KANE: Sir, that home is built, those variances were approved, it's three inches off.

MR. DORING: Okay, the other question I have is why if he's coming why didn't he come in for a variance when he knew this was going to be a problem why didn't he get a variance before he built it?

MR. KANE: He had his variances, they built it three inches off.

MR. WELCH: I came to Mike.

MR. KANE: He had original variances from 2004, I'll speak, sir, he had original variances approved for 2004 to build this house, the house was built three inches off which we're trying to rectify it, the only way to rectify it we have the two choices, tear it down or give him a variance for the extra three inches.

MR. DORING: I think he should of come in before if he knew he was going to do this. The other problem I have

my understanding from the building department there's an ordinance in Town that prevents people from working on houses after certain times at night, 7 o'clock they can't work on Sundays, yesterday five, six hours people hammering and sawing over on this property, when I left tonight to come over here heavy equipment operating after 7 p.m. on this property. There's dozens of nights when people are working on the house until 8 o'clock or after, I couldn't watch the ball game and there's compressors going, heavy equipment operating, you know, the Town tells me to call the police or call the fire inspector, to call the fire inspector, there's no, there's an answering machine, no one calls back, I called the police one time I got so tired of it, the police came and talked to him. After the police left, he kept working.

MR. KANE: Unfortunately, none of that has anything to do with the zoning board.

MR. DORING: It does, though, you're the Town, you have the ability to enforce the laws of this Town, he's flaunting the law every day by working on this house in violation of ordinances, he's coming in here for dispensation from the Town, a variance and he wants some leeway from the Town but he's breaking the Town ordinances every day that he works on the house and he shouldn't be given a variance until he's in compliance with these other ordinances. It just isn't fair to the residents. Who's supposed to protect us if I can't come here and be protected by this board? Who is going to protect me?

MR. KANE: If you have a complaint, you need to file it with the police, sir, this is not in the realm of this board to handle those kind of public complaints. I understand and it's duly noted that you're against it, I'm gathering that from what you're saying.

MR. DORING: He's in violation of the law and yet he's

coming here and asking for special privileges.

MR. KANE: It has nothing to do with this particular board, very simply, if you have a complaint about noise or building on off hours you need to take that up with the police and file a complaint.

MR. DORING: I don't want to call the police and bother them for something like this.

MR. KANE: I have no power to do anything about it, it's not what this board does, sir.

MR. DORING: But you know the situation yet you're saying we're going to ignore it and give him a variance.

MR. KANE: I'm not saying I'm ignoring anything, I'm saying I don't have the power to do anything about what you're talking about.

MR. DORING: I understand you can't, what I ask until he's in compliance with these other things and until this house, until that's rectified and he doesn't violate these hours to hold back his variance and also to go over the, this building inspector go over this place with a fine tooth comb to see if anything else is not in compliance because if he's off by this, there could be other things.

MR. WELCH: Can I say something on this?

MR. KANE: Are you finished?

MR. DORING: I don't think it's fair to give him what he wants so he can proceed to sell the house and get his money.

MR. KANE: Starting to be a little repetitive, we've got that from you.

MR. DORING: Sorry but this again this is about making money, this isn't a man that's going to move into this house, he bought this lot with a purpose of making money.

MR. KANE: That has nothing to do with anything right now.

MR. DORING: I think it does, the builders are coming into this Town and buying up all the property they can and building a building, who's going to protect us if you don't?

MR. KANE: Sir, he has a right to build on his property. Okay? Thank you. I'm not going to sit here and debate it about whether he should be building on his property, he has existing variances that have been approved over a year ago, he's requesting three inches because it was built three inches off.

MR. DORING: I don't care about the three inches.

MR. KANE: That's all this meeting is about.

MR. DORING: If that's all it is, I mean, I don't know.

MR. KANE: That's all the meeting is about is to rectify the building being built three inches off of where it was supposed to be, that's all we have the power to handle here.

MR. DORING: Who was the one that measured this?

MR. WELCH: I did.

MR. DORING: How do we know it's accurate?

MR. WELCH: I brought it to the Town's attention, nobody came to me, I came to the Town and the building

department was out already on a preliminary.

MR. BABCOCK: Certified survey.

MR. KANE: If you'd like to take it up with your neighbor at a different point, that's fine, has nothing to do with what this meeting is about. The meeting is about the three inches, if you have complaints, you need to take it to the police department.

MR. DORING: Well, I don't want to be nasty like that and go to the police, I think someone should tell him he can't do this.

MR. KANE: This is not the time and place, this is about the 3 inches that he's off. Your other complaints you have to take up with your neighbor, not here in front of the board. We don't have the power to rectify what you want, unfortunately, there's nothing we can do, we're powerless with that, it's not what we're here for.

MR. DORING: It's like you have blinders on or something.

MS. LOCEY: If you had let's say cancer, you would go to an oncologist, you wouldn't go to a podiatrist and that in effect is what you're doing here, this is the zoning board of appeals that hears claims or applications of people whose building doesn't quite conform to the zoning so they need to get a variance. And that's what we're here to listen to, not noise and construction and after hours, it's totally out of the realm of this board and it's not a question of being mean, you need to deal with it in a proper manner and this is not it.

MR. DORING: Well, I appreciate your time.

MR. KANE: Your comments are noted.

MR. DORING: He's heard my comments, I want this situation stopped, I don't want to be disturbed when I'm watching T.V.

MR. KANE: I'm not going to waste time here doing this with you, I'm sorry it's not what we're here for. Have a good evening. Anybody else in the audience for this particular hearing? At this point, we'll close it to the public and bring it back to the board.

MR. REIS: For the record, keep saying three inches, it's 3/10 of a foot, is it not?

MR. BABCOCK: Yes.

MR. REIS: Thank you. Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion--

MR. BABCOCK: Mr. Chairman, before you go there, that's from the old zoning, today he needs 25.3 only because of the new zoning.

MR. KANE: Right.

MR. REIS: Make a motion we grant Sandra and Sandy Welch their requested 25.3 foot and 11.5 foot side yard setbacks and 36.8 total side yard setback at 45 Mt. Airy Road in an R-3 zone.

MS. LOCEY: I will second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE

June 13, 2005

26

MR. REIS
MR. KANE

AYE
AYE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JULY 18, 2005
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 111.75 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-24

NAME & ADDRESS:

**Sandy Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520**

THANK YOU,

MYRA

L.R.7-18-05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-24 TYPE: AREA TELEPHONE: 534-0393

APPLICANT:

Sandy Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520

RESIDENTIAL:	\$ 50.00	CHECK #1443
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #1442



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	<u>10</u>	PAGES	\$ <u>55.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	\$ <u> </u>	\$ <u> </u>

LEGAL AD: Publish Date: \$ 46.75

TOTAL:	\$ <u>118.25</u>	\$ <u>70.00</u>
---------------	-------------------------	------------------------



ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>188.25</u>

AMOUNT DUE: \$

REFUND DUE: \$ 111.75

Cc:

L.R. 7-18-05

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: Sandra Welch

DATE: 6-13-05

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	<u>Donald Doering</u>	<u>466 Mt Airy Rd</u>	
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			



RESULTS OF Z.B.A. MEETING OF:

June 3, 2005

PROJECT:

Sandra Welch CCR Ext. of Washington ZBA #
P.B.#

ZBA #
P.B.#

05-24

P.B.# _____

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y____N____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y_____N_____

NEGATIVE DEC: M) _____ S) _____ **VOTE:** A _____ N _____

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y____N____

APPROVED: M)____S)____ VOTE: A____N____

GANN
LOCEY
BROWN
MCDONALD
REIS
KANE

CARRIED: Y_____N_____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S)

VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) RS S) L VOTE: A 5 N 0.

GANN	A
LOCEY	A
BROWN	A
REYNOLDS	
REIS	A
KANE	A

CARRIED: Y ✓ **N** .

[illegible]

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

SANDRA WELCH (C&R Enterprises of Washingtonville LLC)

AFFIDAVIT OF SERVICE BY MAIL

#05-24

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 27th day of MAY, 2005, I compared the 17 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra Mason
Myra L. Mason, Secretary

6th day of June, 2005


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified in Orange County
Commission Expires 10/30/ 2006

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-24
Request of SANDRA WELCH for C&R Enterprises of Washingtonville LLC
Request for a VARIANCE of the Zoning Local Law to Permit:
Request for 25.3 ft and 11.5 ft side yard setbacks and 36.8 total side yard setback at 455 Mt. Ahy Road in an R-3 Zone (65-1-1.2)

PUBLIC HEARING will take place on JUNE 13, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE, CHAIRMAN

Ad Number: 1761863 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: NEW WINDSOR, TOWN

INVOICING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODORN Date: 05/23/2005 Assigned Sales: AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THI Paper: IN Class: 999X; LEGAL BILLING

Schedule: Start Date - 05/26/2005 End Date - 05/26/2005

Sort: TOWN OF NEW WINDSORZONING BOARD OF APPE

PRODUCTION:

Text Size: 2 x 25.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Toursheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 46.75 Payment Method: BI Amount Paid: 0 Amount Owed: 46.75

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Make Content: 0

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

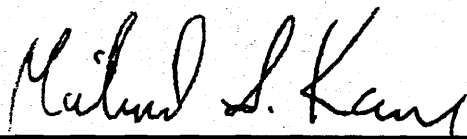
Appeal No. (05-24)

Request of SANDRA WELCH for C&R Enterprises of Washingtonville LLC

for a VARIANCE of the Zoning Local Law to Permit:

Request for 25.3 ft and 11.5 ft. side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road in an R-3 Zone (65-1-1.2)

PUBLIC HEARING will take place on JUNE 13, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.

A handwritten signature in cursive script, reading "Michael S. Kane", written in black ink. The signature is positioned above a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

May 6, 2005

Sandra Welch
23 Andrews Street
Cornwall on Hudson, NY 12520

Re: 65-1-1.2 ZBA#04-11

Dear Ms. Welch:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

65-1-1.31
Carol Mante
443 Mt. Airy Road
New Windsor, NY 12553

65-1-2
Robert Engenito
457 Mt. Airy Road
New Windsor, NY 12553

65-1-3.1
Thomas & Rose Marie Bradley
5 Marotta Drive
New Windsor, NY 12553

65-1-3.2
Patricia Arnold
13 Marotta Drive
New Windsor, NY 12553

65-1-83.2
Rosalie Cerialle
Fred Fayo, Jr.
3 Carpenter Road
Rock Tavern, NY 12575

65-1-4
Charles & Joann Bechle
467 Mt. Airy Road
New Windsor, NY 12553

65-1-69.1
John & Mary Cassidy
486 Mt. Airy Road
New Windsor, NY 12553

65-1-69.2
Joseph & Anne Orzo
492 Mt. Airy Road
New Windsor, NY 12553

65-1-70
Robert Fouvry
484 Mt. Airy Road
New Windsor, NY 12553

65-1-71
Jorge Burgos
474 Mt. Airy Road
New Windsor, NY 12553

65-1-72
Kim Doering
466 Mt. Airy Road
New Windsor, NY 12553

65-1-73
Frank Valdina III
458 Mt. Airy Road
New Windsor, NY 12553

65-1-66.2
Marjorie & Walter Doering
1831 Fessler Street
Englewood, FL 34223

65-1-5.2 & 65-1-66.1
Kenneth & Della Leonard
2024 17th Street
Lubbock, TX 79401

65-1-86
I & P Associates
440 Washington Street
Orange, NJ 07050

65-1-85
Sesame Estates, Inc.
440 Washington Street
Orange, NJ 07050

65-1-74
Gerald & Catherine Doering
448 Mt. Airy Road
New Windsor, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

May 27, 2005

Sandy Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520

SUBJECT: REQUEST FOR VARIANCE #05-24

Dear Ms. Welch:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

455 Mt. Airy Road
New Windsor, NY

is scheduled for the June 13, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

PRELIMINARY MEETINGS:

SANDRA WELCH #05-24

MR. REIS: Request for 25.3 ft. and 11.5 ft. side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road.

Mr. Sandy Welch appeared before the board for this proposal.

MR. WELCH: My name is Sandy Welch. We had a slight mishap is why I'm here with the property line with the foundation location, the left rear corner is in excess of three inches on the setback line on the left side. Reason it happened was there's a row of pine trees between the new house and the existing house which I tried to maintain as a nice buffer and everything so we slid the house to the left as far as possible so those trees wouldn't be disturbed and that's what put me three inches over.

MR. REIS: I'm just curious who recognized the fact that you were three inches?

MR. WELCH: I did, I called for a foundation location, my front is 15 foot 6 on the left, the rear is 14.7 which is three inches so rather than have somebody think I tried to get something over on them, I figured it best to come forward at this time and see if I needed a variance or there was a violation involved.

MR. REIS: Okay, where are you in the process now?

MR. WELCH: The house is framed and sheetrocked, sir, and these are the trees that I tried to preserve which give a nice shield from the neighbors next door who have been there for quite some time.

MR. BABCOCK: Maybe I can give you a background, it was

approved on March 22 of '04 for a variance for a 15 foot side yard and an 18 foot side yard and that's why we believe he needs to come back to this board because he's only got 14 foot 7, the requirements are 20 feet, got a variance down to 15 but he actually built the house on a little angle and it exceeded it by three inches. One other thing the reason the variances are so substantial he actually needs a three inch variance but in today's standards the law's changed since 2004 to 2005, now the side yard is 40 feet required, no longer 20 feet, so we wrote it up for the 40 feet so that there's no question that he got the proper variance.

MR. REIS: Very good, thanks for the explanation, Mike, and we're going to be asking you questions that are somewhat routine, all right, and may not even apply but just for the record. In building this house in its now present location, did you have to disturb any substantial vegetation?

MR. WELCH: No, that's why I slid the house a little bit too tight to the left to preserve the row of pines that are there, it's a pretty nice cluster of them there.

MR. REIS: You haven't created water hazards or runoffs?

MR. WELCH: No, not at all, not at all.

MR. REIS: You're not, you haven't gone over any kind of easements or right-of-ways?

MR. WELCH: No, sir.

MR. REIS: Your home is not any larger or considerably larger than any other homes in the immediate area?

MR. WELCH: No, they're right in uniformity with the

May 9, 2005

4

half acre lots and everything in the area.

MR. REIS: Okay, any questions?

MS. GANN: No.

MR. BROWN: No.

MS. GANN: Accept a motion?

MR. REIS: Please.

MS. GANN: I'd like to offer a motion that we set up Sandy Welch for a public hearing request for 25.3 foot and 11.5 foot side yard setbacks and 36.8 total side yard setback at 455 Mt. Airy Road in an R-4 zone.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

MR. REIS: Myra's going to give you the next step in the process.

MS. MASON: Just take that home and read it.

MR. REIS: Any questions, give Myra a call.

MR. WELCH: Thank you very much.



RESULTS OF Z.B.A. MEETING OF: May 9, 2005

PROJECT: Sandra Welch ZBA # 05-24

ZBA # 05-24

P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) S) VOTE: A N

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) G S) L VOTE: A 4 N 6

GANN	✓
LOCEY	✓
BROWN	✓
MC DONALD	
REIS	✓
KANE	

CARRIED: Y N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ VOTE: A___ N___.

GANN
LOCEY
BROWN
~~McDONALD~~
REIS
~~REIS~~

CARRIED: Y N .

[illegible]

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: MAY 2, 2005

FOR: ESCROW 05-24

FROM:

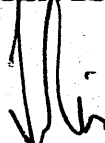
COH Property Management LLC
23 Andrews Street
Cornwall-on-Hudson, NY 12520

CHECK NUMBER: 1442

TELEPHONE: 534-0393

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

5/2/05

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

ZBA- #05-24 application fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#399-2005

05/02/2005

Llc, Coh Property Management
23 Andrews St.
Cornwall On Hudson, NY 12520

Received \$ 50.00 for Zoning Board Fees, on 05/02/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

May 2, 2005

Sandy Welch
23 Andrews Street
Cornwall-on-Hudson, NY 12520

SUBJECT: REQUEST FOR VARIANCE #05-24

Dear Ms. Welch:

This letter is to inform you that you have been placed on the May 9th, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

455 Mt. Airy Road
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

5/9



APPLICATION FOR VARIANCE

4/21/05
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 534-0393
C & R Enterprises of Washingtonville, LLC
(Name)
23 Andrews St., Cornwall on Hudson, NY 12520
(Address)

II. Applicant:

Phone Number: (845) 534-0393
Sandy Welch
(Name)
23 Andrews St., Cornwall on Hudson, NY 12520
(Address)

III.

Forwarding Address, if any, for return of escrow: Phone Number: (845) 534-0393
Sandy Welch
(Name)
23 Andrews St., Cornwall on Hudson, NY 12520
(Address)

IV.

Contractor/Engineer/Architect/Surveyor/: Phone Number (845) 534-0393
COH Property Management, LLC (Sandy)
(Name)
23 Andrews St., Cornwall on Hudson, NY 12520
(Address)

V. Property Information:

Zone: _____ Property Address in Question: 455 Mt. Airy Rd.
Lot Size: 100 x 225' Tax Map Number: Section 65 Block 1 Lot 1.2
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? yes
c. When was property purchased by present owner? 9/14/04
d. Has property been subdivided previously? No If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

5/9
COMPLETE THIS PAGE ☒

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	40	14.7 28.5	25.3' / 11.5'
Reqd. St Front*	80	43.2	36.8
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE 

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Due to the condition of the
ex beautiful pine trees on the right side of the house
and with respect for the existing house on right, we
struggled so that we would not damage the trees
and use them as a natural buffer between the
two houses. In doing so, we exceeded setback
by 3 inches. The only area in question is left
rear corner of house. The left front clears more
than 6th inches.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- _____
- _____

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 200.00 or 500.00 (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☒ Photographs of existing premises from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

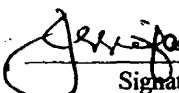
COUNTY OF ORANGE)

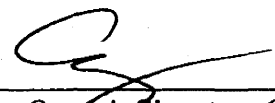
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

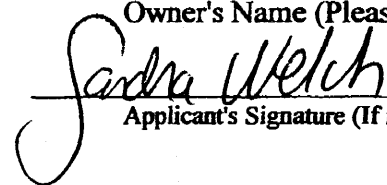
21 day of April 2005

JENNIFER L. WILSON
Notary Public, State of New York
Qualified in Orange County
Reg. No. 01CL0099571

 Signature and Stamp of Notary


Owner's Signature (Notarized)

Craig Gimenez
Owner's Name (Please Print)


Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE 

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

C & R Enterprises of Washington, LLC declares and says that he resides
(OWNER)
at 458 Hulsetown Rd., Campbell Hall, NY in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map
(Sec. Block Lot)
designation number (Sec. 65 Block 1 Lot 1.2) which is the premises described in
the foregoing application and that he authorizes:

Sandy Welch
(Applicant Name & Address, if different from owner)
23 Andrews St., Cornwall on Hudson, NY 12520
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 4/2/05

Sworn to before me this:
2 day of April 2005

JENNIFER L. WILSON
Notary Public, State of New York
Qualified in Orange County
Reg. No. 01616099571
Commission Expires 2/28/08

Jennifer L. Wilson
Signature and Stamp of Notary

** [Signature]
Owner's Signature (MUST BE NOTARIZED)

[Signature]
Applicant's Signature (If different than owner)

[Signature]
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐